

SEPTEMBER 28, 2006

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, September 28, 2006, in the Council Chambers at 140 South Capital Avenue in Idaho Falls, Idaho.

There were present:

Mayor Jared D. Fuhriman
Councilmember Larry Lyon
Councilmember Karen Cornwell
Councilmember Joe Groberg
Councilmember Ida Hardcastle
Councilmember Michael Lehto

Absent was:

Councilmember Thomas Hally

Also present:

Dale Storer, City Attorney
Rosemarie Anderson, City Clerk
All available Division Directors

Mayor Fuhriman requested Councilmember Michael Lehto to come forward and lead those present in the Pledge of Allegiance.

CONSENT AGENDA ITEMS

Mayor Fuhriman requested Council confirmation for the appointment of Steven A. Gardner to serve on the Civil Service Commission (Term to Expire on January 1, 2011).

The City Clerk requested approval of the Minutes from the September 14, 2006 Regular Council Meeting, and the September 25, 2006 Work Session.

The City Clerk presented several license applications, all carrying the required approvals, and requested authorization to issue these licenses.

The City Clerk requested Council ratification for the publication of legal notices calling for public hearings on September 28, 2006.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, that the Consent Agenda be approved in accordance with the recommendations presented. Roll call as follows:

Aye: Councilmember Groberg
Councilmember Lyon
Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle

Nay: None

Motion Carried.

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REGULAR AGENDA ITEMS

The Idaho Falls Power Director submitted the following Proclamation:

PUBLIC POWER WEEK 2006

**PROCLAMATION RECOGNIZING PUBLIC POWER WEEK, OCTOBER 1 – 7
AND HOW IDAHO FALLS POWER PROVIDES SAFE, RELIABLE, AND LOW-
COST ELECTRICITY SERVICE TO COMMUNITY CITIZENS**

WHEREAS, we, the citizens of Idaho Falls, place high value on local control over community services and therefore have chosen to operate a community-owned, locally controlled, not-for-profit electric utility and, as consumers and owners of our electric utility, have a direct say in utility operations and policies; and,

WHEREAS, Idaho Falls Power provides our homes, businesses, social service, and local government agencies with reliable, efficient, and cost-effective electricity employing sound business practices designed to ensure the best possible service at not-for-profit rates; and,

WHEREAS, Idaho Falls Power is a valuable community asset that contributes substantially to the well-being of local citizens through energy efficiency, customer service, environmental protection, economic development, and safety awareness; and,

WHEREAS, Idaho Falls Power has also taken on additional stewardship for our community's information infrastructure through a broadband network providing dark fiber infrastructure to expand community and economic development opportunities; and,

WHEREAS, Idaho Falls Power is a dependable and trustworthy institution whose local operation provides many consumer protections and continues to make our community a better place in which to live and work;

NOW, THEREFORE, BE IT RESOLVED: That Idaho Falls Power will continue to work to bring lower-cost, safe, reliable electricity to community homes and businesses just as it has since 1900, the year when the utility was created to serve all of the citizens of Idaho Falls; and,

BE IT FURTHER RESOLVED: That the week of October 1 – 7 be designated the 20th annual Public Power Week in order to honor Idaho Falls Power for its contributions to the community and to make its consumer-owners, policy makers, and employees more aware of its contributions to their well-being and how it makes their lives powerful; and,

BE IT FURTHER RESOLVED: That our community joins hands with more than 2,000 other public power systems in the United States in this celebration of public power and recognition that Idaho Falls Power is good for consumers, businesses, the community, and the nation; and,

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BE IT FURTHER RESOLVED: That Idaho Falls Power will host a public open house on Saturday, October 7, 2006, from 12:00 p.m. to 4:00 p.m., at the Idaho Falls Power Office at 140 South Capital Avenue for the purpose of raising awareness of the services provided and celebrating more than 100 years of Public Power.

s/ Jared D. Fuhriman
Jared D. Fuhriman
Mayor

Mayor Fuhriman requested the Idaho Falls Power Director to come forward and discuss this Proclamation further. The Idaho Falls Power Director stated that there will be activities on Saturday, October 7, 2006 at the Idaho Falls Power Building. These activities will include tours of the plant, bucket truck rides, and safety demonstrations. There will also be information on the IPP Unit 3 Project, which is on the ballot in November.

Mayor Fuhriman requested those who had issues for the Mayor and City Council that were not otherwise on the Council Agenda to come forward at this time.

Jim McFadden, 2255 Baltic Avenue, appeared to comment about the IPP3 Project. He stated that he was concerned about this being a coal-fired power plant. The operation in Delta, Utah is one of the dirtiest in the United States in terms of nitrogen oxides and carbon dioxide emissions. If another unit is built, it will increase emissions by approximately 50%. At this time, emissions at this plant are ranked as the 20th worst in the nation for carbon dioxide and nitrogen oxide emissions. Mr. McFadden stated that he went to the Energy Information Administration website and was able to obtain the retail sales that the City of Idaho Falls has had between 1998 and 2004. The total retail sales increased during that time period by approximately 2%. He stated that he has a problem with an energy forecast that assumes a 2% per year growth rate in energy consumption in Idaho Falls when the data does not show that historically. There should be a better method to calculate growth rate for energy consumption. The City of Idaho Falls has great opportunities for energy efficiency. The cheapest energy that the City is going to buy has already been purchased. The City should make a concerted effort to reach the residential customers that are not electrically heating, through a light bulb program. Free light bulbs could be given to each customer in the City. The City should also work hard on a commercial energy efficient program. Most small business operations use approximately 40% of their energy in lighting.

Councilmember Lehto invited Mr. McFadden to attend the City Council Work Session to be held on October 9, 2006.

Jerry Jayne, 1568 Lola Street, appeared to state that he has the same concerns as Jim McFadden does. Coal is one of the dirtiest ways of producing energy that is available. The City should not be promoting or aiding the construction of such a plant. He stated that he has visited the four corners area for the last few years. It is hazy and most of that is as a result of the coal-fired plants. He stated that he and his wife went to China last year. China is a country that is suffering from the emissions from coal-fired plants. Texas may be the next place where emissions will be bad, as they are building 17 new coal-fired plants. Contrary to what the Post Register published in August regarding the IPP3 Project, there are groups in Utah that are opposed to the construction of the IPP3 Project. The Sierra Club, Grand Canyon Trust, and others are opposed to its construction. He stated that he missed any opportunity to comment on this issue before the City Council voted to place it on the November ballot. Mr. Jayne proposed energy conservation and to stop promoting growth in Idaho Falls. He proposed increasing the block rate for those that

use more energy. He stated that he has seen lights on at night that do not need to be in

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use. Gas stations are highly lit at night. Signs for businesses are on when the businesses are not open.

Councilmember Lehto invited Mr. Jayne to attend the City Council Work Session to be held on October 9, 2006 to discuss his concerns and solutions further.

The Idaho Falls Power Director submitted the following memos:

City of Idaho Falls
September 23, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jackie Flowers, Idaho Falls Power Director
SUBJECT: FISCAL YEAR 2007 LINE CLEARANCE PROJECT -
RECOMMEND AWARD

Attached for your consideration is the bid tabulation for the Fiscal Year 2007 Line Clearance Project. The sole bid received was from Idaho Power Solutions. Idaho Falls Power respectfully recommends award of the bid to Idaho Power Solutions for a not to exceed amount of \$416,000.00.

s/ Jackie Flowers

It was moved by Councilmember Lehto, seconded by Councilmember Lyon, to accept the sole bid from Idaho Power Solutions for the Fiscal Year 2007 Line Clearance Project and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Lehto
Councilmember Lyon
Councilmember Hardcastle
Councilmember Groberg
Councilmember Cornwell

Nay: None

Motion Carried.

City of Idaho Falls
September 25, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jo Fikstad, Power Manager
SUBJECT: AMENDMENT TO THE BPA SLICE AND BLOCK POWER SALES
AGREEMENT

Attached for your consideration is Amendment No. 4 to the BPA Slice and Block Power Sales Agreement. The Amendment has been reviewed by the City Attorney.

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Idaho Falls Power respectfully recommends approval of Amendment No. 4 and authorization for the Mayor to sign the document.

s/ Jo Fikstad

It was moved by Councilmember Lehto, seconded by Councilmember Lyon, to approve Amendment No. 4 to the Bonneville Power Administration Slice and Block Power Sales Agreement and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Lyon
Councilmember Cornwell
Councilmember Groberg
Councilmember Hardcastle
Councilmember Lehto

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memo:

City of Idaho Falls
September 22, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: 2006-2007 LEGAL SERVICES

Attached for your consideration is the Legal Services Contracts with Dale Storer and Holden Kidwell Hahn and Crapo. It is the recommendation of Municipal Services that the Council approve the contracts and authorize the Mayor to sign said contracts.

s/ S. Craig Lords

Councilmember Lyon requested to know whether this contract has been independently reviewed by another attorney.

The Municipal Services Director appeared to state that this contract was not independently reviewed and, in his opinion, that was not necessary.

Councilmember Lyon requested to know whether this contract allows for Mr. Storer to receive the same benefits as City employees receive.

Councilmember Groberg stated that this contract continues the same terms as the existing contract has.

Councilmember Lyon stated that he has worked as a contractor. Contractors do not receive company benefits. He stated that he did not agree that Mr. Storer should receive the same benefits as employees of the City of Idaho Falls.

Councilmember Lyon stated that he had read the interview from the Attorney General's Office with regard to the Kimball Mason case. There was a question asked of Mr. Storer as to whether he had reviewed Kimball Mason's contract. In that interview, Mr.

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Storer stated that he had not reviewed Kimball Mason's contract, as it was up to the Municipal Services Director to review that contract.

Mayor Fuhrman stated that the issue before the Mayor and City Council at this time, is the review of the City Attorney's contract. The City Council needs to concentrate on the issue at hand.

Councilmember Lyon stated that it is the City Attorney's job to review all contracts that are before the City. Kimball Mason's contract was one of those contracts.

Councilmember Groberg stated that it legitimate and appropriate for Councilmember Lyon to state the reasons why he may have problems with the City Attorney's contract. He stated that he did not believe that the City Council should go into a question and answer session on this contract. Councilmember Groberg told Councilmember Lyon that to the extent that he wanted to explain his position on this contract and try to win the favor of other Councilmembers to see his position, that was allowable.

Councilmember Lyon stated that he was attempting to show his position on the City Attorney's contract by raising questions. He stated, further, that he has voted against the renewal of this contract for the last two years. He requested that the City Attorney answer his question.

The City Attorney stated that Kimball Mason's contract was a contract that was put in place approximately 15 to 20 years ago. He stated that he was not asked to review this contract. He assumed that the reason he was not asked to review Mr. Mason's contract is that it remained the same and had not changed in the past 20 years.

Councilmember Lyon stated that if a person is a City Hall outsider, and tries to speak or ask questions that people are uncomfortable with, you get interrupted and people do not want to answer your questions. This is symptomatic of a much deeper problem in the City Administration. Councilmember Lyon stated, further, that he would be voting against the City Attorney contract. He had previously had a conversation with the City Attorney regarding Council Committee Meetings and whether they were covered under the Idaho Open Meeting Law. Councilmember Lyon stated that the City Attorney told him that they were not covered by the Idaho Open Meeting Law and explained his position on this issue. Councilmember Lyon was not satisfied with that answer based on some other information that he had received. He stated that he called the Attorney General's Office and was told that the Council Committee Meetings were covered by the Idaho Open Meeting Law. Councilmember Lyon requested the City Attorney to put his opinion regarding the Idaho Open Meeting Law in writing. The City Attorney was unwilling to do that. Councilmember Lyon stated that he was not satisfied that renewing this contract was in the best interest of the City Administration or in the best interest of the people of Idaho Falls.

Councilmember Lehto stated that he was voting in favor of this contract, as the City Attorney provides an excellent service. He works tirelessly for the City to keep us out of hot water. Councilmember Lehto stated that he is continually impressed with the City Attorney's ability to handle the work load that is placed before him. In light of the work load, especially over the past three months, he has had a conversation with the Mayor regarding getting more help for the City Attorney and the Assistant City Attorney. The City Council needs to recognize what the City Attorney has provided for the City this past year alone.

Councilmember Lyon stated that he appreciated Councilmember Lehto's comments. Two years ago, the same sentiment could have been expressed about Kimball Mason.

Councilmember Groberg stated that he reviewed the City Attorney's contract, not as an Attorney but as a Councilmember, and felt that financially the contract

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represents a value to the City. There are always improvements to be made, but the City Attorney is aware of these and is making efforts to correct them.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Legal Services Contracts with Dale Storer and Holden Kidwell Hahn and Crapo and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Lehto
 Councilmember Hardcastle
 Councilmember Groberg
 Councilmember Cornwell

Nay: Councilmember Lyon

Motion Carried.

The Parks and Recreation Director submitted the following memo:

City of Idaho Falls
September 26, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: David J. Christiansen, Parks and Recreation Director
SUBJECT: MCDERMOTT FIELD STADIUM PROJECT BID TABULATION
 AND RESOLUTION

On August 30, 2006, bids were received and opened for the McDermott Field Stadium Project. The attached bid tabulation reflects that several bid packages received sole bids and some bid packages did not receive any responsive bids. It is, therefore, the recommendation of the Parks and Recreation Division as well as Bateman-Hall, Inc., Project Construction Manager, to reject all responsive bids and for the City Council to adopt the attached Resolution to allow Bateman-Hall, Inc. to negotiate said project on the open market.

s/ David J. Christiansen

RESOLUTION NO. 2006-15

WHEREAS, on or about August 30, 2006, the construction manager for the McDermott Field Renovation Project, Bateman Hall Contractors, opened bids on all of the bid packages associated with such project;

WHEREAS, the majority of the bid packages for which bids were solicited only had one response from prospective bidders and whereas some of the bid packages received no responses;

WHEREAS, the cumulative total of such bid packages and amounts estimated by the construction manager for those bid packages for

which no bids were received is in excess of \$5.9 million dollars which amount substantially exceeds the amount budgeted for the project;

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WHEREAS, the construction manager hired by the City reports that the poor response to the bid solicitation was due to a booming construction market and a reticence by prospective contractors to take on new projects;

WHEREAS, the construction manager also reports that a number of the smaller contractors were unwilling to bid the project because of the public works licensing requirement as well as their inability to satisfy the statutory bonding requirements;

WHEREAS, the construction manager believes the project can be constructed more economically by purchasing goods and services on the open market.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City Council hereby reject all bids presented, that the construction manager be authorized to commence negotiations with qualified and competent subcontractors for the purpose of purchasing the labor and materials on the open market, and that the City Attorney be and hereby is directed to draft and prepare an amended contract with the construction manager in order to provide for such negotiation services and that such construction manager contract, as amended, be submitted to the Mayor and City Council for consideration at the earliest possible date.

PASSED AND APPROVED by the Mayor and City Council this 28th day of September, 2006.

CITY OF IDAHO FALLS

s/ Jared D. Fuhriman
Jared D. Fuhriman
Mayor

ATTEST:

s/ Rosemarie Anderson
Rosemarie Anderson
City Clerk

(SEAL)

It was moved by Councilmember Cornwell, seconded by Councilmember Groberg, to approve the Resolution regarding the McDermott Field Stadium Renovation Project and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Groberg
 Councilmember Lyon
 Councilmember Lehto
 Councilmember Cornwell

Councilmember Hardcastle

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Nay: None

Motion Carried.

The memo from the Planning and Building Director regarding the Ordinance amending City of Idaho Falls Contractor Licensing was withdrawn by the Division Director. The Planning and Building Director submitted the following memos:

City of Idaho Falls
September 24, 2006

MEMORANDUM

TO: Mayor and City Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: MANAGEMENT AGREEMENT FOR IDAHO FALLS DOWNTOWN DEVELOPMENT CORPORATION

Attached is the Management Agreement with the Idaho Falls Downtown Development Corporation. This agreement is modeled after the agreement from prior years with the exception of the payment dates; the payment dates have been changed to reflect practice. This agreement has been reviewed by the City Attorney's Office, and the Division respectfully requests adoption of this agreement.

s/ Renée R. Magee

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Management Agreement with the Idaho Falls Downtown Development Corporation and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Cornwell
Councilmember Hardcastle
Councilmember Lyon
Councilmember Groberg
Councilmember Lehto

Nay: None

Motion Carried.

City of Idaho Falls
September 24, 2006

MEMORANDUM

TO: Mayor and Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: SIGN CODE AMENDMENT, LED AND TRI-VISION BILLBOARDS

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Attached is an amendment to the City of Idaho Falls Sign Code to permit LED billboards. This amendment has been reviewed by the City Attorney's Office. This Ordinance amendment is now being submitted to the Mayor and City Council for consideration.

s/ Renée R. Magee

The Planning and Building Director appeared to give a brief explanation for this Ordinance Amendment.

At the request of Councilmember Groberg, the City Attorney read the following Ordinance by title only:

ORDINANCE NO. 2669

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO; AMENDING SECTIONS 7-9-10 AND 7-9-12 OF THE CITY CODE, BEING A PORTION OF THE SIGN CODE OF THE CITY; REPEALING AND RE-ADOPTING TABLE 1, APPENDIX TO TITLE 7, CHAPTER 9 OF THE CITY CODE; ADDING SECTION 7-9-49; PERTAINING TO LED AND TRIVISION BILLBOARDS; DECLARING ORDINANCE METHODOLOGY; PROVIDING FOR PRESERVATION OF PRIOR ORDINANCE; PROVIDING FOR SEVERABILITY AND ESTABLISHING EFFECTIVE DATE.

The foregoing Ordinance was presented by title only. Councilmember Groberg moved, and Councilmember Hardcastle seconded, that the provisions of Idaho Code Section 50-902 requiring all Ordinances to be read by title, and once in full, on three separate dates be dispensed with, the Ordinance be passed on all three readings, and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

Aye: Councilmember Lehto
Councilmember Lyon
Councilmember Hardcastle
Councilmember Groberg
Councilmember Cornwell

Nay: None

Motion Carried.

The Public Works Director submitted the following memos:

City of Idaho Falls
September 25, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director

SUBJECT: RIGHT-OF-WAY VACATION – LOT 1, BLOCK 1, RIDGEWOOD
PARK ADDITION, DIVISION NO. 1

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As previously authorized, the City Attorney has prepared the attached documents to vacate a right-of-way approach to Lot 1, Block 1, Ridgewood Park Addition, Division No. 1.

Public Works recommends approval of this right-of-way vacation; and, authorization for the Mayor and City Clerk to sign the documents.

s/ Chad Stanger

At the request of Councilmember Lehto, the City Attorney read the following ordinance by title only:

ORDINANCE NO. 2670

AN ORDINANCE VACATING A CERTAIN EASEMENT WITHIN THE CITY OF IDAHO FALLS, IDAHO; PARTICULARLY DESCRIBING THE SAID EASEMENT; AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE AND DELIVER ON BEHALF OF THE CITY A QUITCLAIM DEED CONVEYING THE VACATED EASEMENT TO THE OWNER OF THE ADJACENT LAND, AND NAMING IT; PROVIDING FOR EFFECTIVE DATE OF ORDINANCE.

The foregoing Ordinance was presented by title only. Councilmember Lehto moved, and Councilmember Groberg seconded, that the provisions of Idaho Code Section 50-902 requiring all Ordinances to be read by title, and once in full, on three separate dates be dispensed with, the Ordinance be passed on all three readings, and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

Aye: Councilmember Lyon
Councilmember Cornwell
Councilmember Groberg
Councilmember Hardcastle
Councilmember Lehto

Nay: None

Motion Carried.

City of Idaho Falls
September 25, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director

SUBJECT: EASEMENT AGREEMENT – HIGHLAND PARK IMPROVEMENT
PROJECT, CHRISTOPHER W. SNEDAKER

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Attached is a proposed Easement Agreement between the City and Christopher W. Snedaker for an easement and damages to the grantor's property in the amount of \$2,020.00. This proposed agreement is needed for the Highland Park Improvement Project.

Public Works recommends approval of this Agreement; and, authorization for the Mayor and City Clerk to sign the necessary documents.

s/ Chad Stanger

It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to approve the Easement Agreement between the City and Christopher W. Snedaker for an easement and damages to the grantor's property in the amount of \$2,020.00 for the Highland Park Improvement Project and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

Aye: Councilmember Groberg
Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle
Councilmember Lyon

Nay: None

Motion Carried.

City of Idaho Falls
September 25, 2006

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chad Stanger, Public Works Director
SUBJECT: EASEMENT AGREEMENT – SOUTH IDAHO FALLS SEWER TRUNK LINE – BENNETT TRUST

Attached is a proposed Agreement between the City and the Bennett Family Trust for a sewer line easement and construction easement in the amount of \$1,000.00. These easements are needed for the South Sewer Trunk Line.

Public Works recommends approval of this agreement; and, authorization for the Mayor and City Clerk to sign the necessary documents.

s/ Chad Stanger

It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to approve the Easement Agreement between the City and the Bennett Family Trust for a sewer line easement and construction easement for the South Sewer Trunk Line in the amount of \$1,000.00 and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

Aye: Councilmember Groberg

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Councilmember Lyon
Councilmember Lehto
Councilmember Cornwell
Councilmember Hardcastle

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Groberg to conduct a public hearing for consideration of a rezoning from I & M-1 (Industrial and Manufacturing) to C-1 (Limited Retail Business) on property located adjacent to the Wal-Mart Super Store, generally north of Pancheri Drive, south of Broadway, east of Interstate 15, and west of South Utah Avenue, legally described as Metes and Bounds Description of 11.81 Acres of the Southwest Quarter, Section 24, Township 2 North, Range 37, East of the Boise Meridian, also known as Eagle Rock Town Center, Division No. 1. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
September 24, 2006

MEMORANDUM

TO: Mayor and Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: REZONING FROM I & M-1 TO C-1 – 11.81 ACRES NORTH AND
 ADJACENT TO PANCHERI DRIVE

Attached is a request to rezone 11.81 acres from I & M-1 (Industrial and Manufacturing) to C-1 (Limited Retail Business). This parcel is south of the Wal-Mart Store, east of I-15, west of Utah Avenue, and north of Pancheri Drive. The Planning Commission considered this request at its August 8, 2006 Meeting and recommended approval. This Department concurs; the land uses in this area have been changing from industrial to commercial for the last seven years. This request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

The Planning and Building Director located the subject area on a map and further explained the request. Following is a list of exhibits used in connection with this rezoning request:

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo
Slide 3	Comprehensive Plan
Slide 4	Site Photo of Wal-Mart on the north side of the site
Slide 5	Site Photo looking southwest across the site towards Pancheri Overpass

Slide 6 Site Photo looking southeast towards Taylor Crossing
Exhibit 1 Planning Commission Minutes dated August 8, 2006

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Exhibit 2 Staff Report dated August 8, 2006
Exhibit 3 Map of rezoning

Steve Keim, 2907 Laguna Drive, appeared to state that he represented the applicant for this rezoning request. The applicant would like to develop additional commercial buildings in this area.

There being no further discussion either in favor of or in opposition to this rezoning request, Mayor Fuhriman closed the public hearing.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the rezone from I & M-1 (Industrial and Manufacturing) to C-1 (Limited Retail Business) on property located adjacent to the Wal-Mart Super Store, generally north of Pancheri Drive, south of Broadway, east of Interstate 15, and west of South Utah Avenue, legally described as Metes and Bounds Description of 11.81 Acres of the Southwest Quarter, Section 24, Township 2 North, Range 37, East of the Boise Meridian, also known as Eagle Rock Town Center, Division No. 1 and, further, that the City Planner be instructed to reflect said zoning change on the official zoning map located in the Planning Office. Roll call as follows:

Aye: Councilmember Lyon
 Councilmember Cornwell
 Councilmember Groberg
 Councilmember Hardcastle
 Councilmember Lehto

Nay: None

Motion Carried.

Mayor Fuhriman requested Councilmember Groberg to conduct Annexation Proceedings for a portion of Eagle Rock Town Center, Division No. 1. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
September 24, 2006

MEMORANDUM

TO: Mayor and Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ANNEXATION, INITIAL ZONING, AND FINAL PLAT – EAGLE
 ROCK TOWN CENTER, DIVISION NO. 1

Attached is a request to annex 0.3 acres with an initial zone of C-1 (Limited Retail Business) and plat 14.66 acres west of Utah Avenue, east of I-15, and north and adjacent to Pancheri Drive. The Planning Commission considered these requests, found the plat complies with the Subdivision Ordinance, and recommended approval. This request is now being submitted to the Mayor and Council for approval.

s/ Renée R. Magee

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The Planning and Building Director located the subject area on a map and further explained the request. Following is a list of exhibits used in connection with this annexation request:

- Slide 1 Vicinity Map showing surrounding zoning
- Slide 2 Vicinity Map showing final plat
- Slide 3 Aerial Photo
- Slide 4 Aerial Photo showing final plat
- Slide 5 Aerial Photo showing preliminary plat
- Slide 6 Preliminary Plat for Eagle Rock Town Center
- Slide 7 Another view of Preliminary Plat for Eagle Rock Town Center
- Exhibit 1 Planning Commission Minutes dated August 8, 2006
- Exhibit 2 Staff Report dated August 8, 2006

Steve Keim, 2907 Laguna Drive, appeared to state that he was present to answer any questions from the Mayor and City Council. There were no questions or comments.

There being no further discussion either in favor of or in opposition to this annexation request, Mayor Fuhrman closed the public hearing.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Annexation/Development Agreement for a portion of Eagle Rock Town Center, Division No. 1 and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

Aye: Councilmember Lehto
Councilmember Lyon
Councilmember Hardcastle
Councilmember Groberg
Councilmember Cornwell

Nay: None

Motion Carried.

At the request of Councilmember Groberg, the City Attorney read the following Ordinance by title:

ORDINANCE NO. 2671

PORTION OF EAGLE ROCK TOWN CENTER, DIVISION NO. 1

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS, IDAHO; DESCRIBING THESE LANDS; REQUIRING THE FILING OF THE ORDINANCE AND AMENDED CITY MAP AND AMENDED LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND ESTABLISHING EFFECTIVE DATE.

The foregoing Ordinance was presented by title only. Councilmember Groberg moved, and Councilmember Hardcastle seconded, that the provisions of Idaho Code Section 50-902

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requiring all Ordinances to be read by title, and once in full, on three separate dates be dispensed with, the Ordinance be passed on all three readings, and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

Aye: Councilmember Lyon
 Councilmember Cornwell
 Councilmember Groberg
 Councilmember Hardcastle
 Councilmember Lehto

Nay: None

Motion Carried.

A public hearing was conducted to consider the initial zoning of the newly annexed area. There being no discussion, it was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to establish the initial zoning for a portion of Eagle Rock Town Center, Division No. 1 as C-1 (Limited Retail Business) Zoning as presented, that the comprehensive plan be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, zoning and amendment to the comprehensive plan on the comprehensive plan and zoning maps located in the Planning Office. Roll call as follows:

Aye: Councilmember Groberg
 Councilmember Lehto
 Councilmember Cornwell
 Councilmember Hardcastle
 Councilmember Lyon

Nay: None

Motion Carried.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to accept the Final Plat for a portion of Eagle Rock Town Center, Division No. 1 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign the Final Plat. Roll call as follows:

Aye: Councilmember Groberg
 Councilmember Lyon
 Councilmember Lehto
 Councilmember Cornwell
 Councilmember Hardcastle

Nay: None

Motion Carried.

SEPTEMBER 28, 2006

Mayor Fuhriman requested Councilmember Groberg to conduct Annexation Proceedings for Crane Business Park, Division No. 1. At the request of Councilmember Groberg, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls
September 24, 2006

MEMORANDUM

TO: Mayor and Council
FROM: Renée R. Magee, Planning and Building Director
SUBJECT: ANNEXATION, INITIAL ZONING OF C-1, AND FINAL PLAT -
CRANE BUSINESS PARK, DIVISION NO. 1

Attached are the annexation agreement, annexation ordinance, and final plat for Crane Business Park, Division No. 1. The requested initial zoning is C-1 (Limited Retail Business). The Planning Commission considered this request at its August 8, 2006 Meeting and recommended approval. This department concurs with the Commission's recommendation. This annexation request is now being submitted to the Mayor and Council for consideration.

s/ Renée R. Magee

The Planning and Building Director located the subject area on a map and further explained the request. Following is a list of exhibits used in connection with this annexation request:

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Aerial Photo
Slide 3	Final Plat
Slide 4	Site Photo looking south towards site from north of Pancheri Drive
Slide 5	Site Photo of area
Exhibit 1	Planning Commission Minutes dated August 8, 2006
Exhibit 2	Staff Report dated August 8, 2006

Steve Keim, 2907 Laguna Drive, appeared to state that he appreciated consideration of this annexation.

Paul Berggren, 178 East Berggren Lane in Blackfoot, Idaho, appeared to state that he was the Director of the New Sweden Irrigation District. He wanted to let the Mayor and Council know that there is a maintenance road on the west side of the canal. He stated that they would like to maintain use of that roadway.

There being no further discussion either in favor of or in opposition to this annexation request, Mayor Fuhriman closed the public hearing.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to approve the Annexation Agreement for Crane Business Park, Division No. 1 and, further, give authorization for the Mayor and City Clerk to sign said Agreement. Roll call as follows:

Aye: Councilmember Cornwell

Councilmember Hardcastle
Councilmember Lyon

SEPTEMBER 28, 2006

Councilmember Groberg
Councilmember Lehto

Nay: None

Motion Carried.

At the request of Councilmember Groberg, the City Attorney read the following Ordinance by title:

ORDINANCE NO. 2672

CRANE BUSINESS PARK, DIVISION NO. 1

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS, IDAHO; DESCRIBING THESE LANDS; REQUIRING THE FILING OF THE ORDINANCE AND AMENDED CITY MAP AND AMENDED LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND ESTABLISHING EFFECTIVE DATE.

The foregoing Ordinance was presented by title only. Councilmember Groberg moved, and Councilmember Hardcastle seconded, that the provisions of Idaho Code Section 50-902 requiring all Ordinances to be read by title, and once in full, on three separate dates be dispensed with, the Ordinance be passed on all three readings, and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

Aye: Councilmember Lehto
Councilmember Lyon
Councilmember Hardcastle
Councilmember Groberg
Councilmember Cornwell

Nay: None

Motion Carried.

A public hearing was conducted to consider the initial zoning of the newly annexed area. There being no discussion, it was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to establish the initial zoning for Crane Business Park, Division No. 1 as C-1 (Limited Retail Business) Zoning as presented, that the comprehensive plan be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, zoning and amendment to the comprehensive plan on the comprehensive plan and zoning maps located in the Planning Office. Roll call as follows:

Aye: Councilmember Lyon

Councilmember Cornwell
Councilmember Groberg

SEPTEMBER 28, 2006

Councilmember Hardcastle
Councilmember Lehto

Nay: None

Motion Carried.

It was moved by Councilmember Groberg, seconded by Councilmember Hardcastle, to accept the Final Plat for Crane Business Park, Division No. 1 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign the Final Plat. Roll call as follows:

Aye: Councilmember Groberg
 Councilmember Lehto
 Councilmember Cornwell
 Councilmember Hardcastle
 Councilmember Lyon

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Lyon, seconded by Councilmember Groberg, that the meeting adjourn at 8:25 p.m.

CITY CLERK

MAYOR
